



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 99,089)

In re Application of:

**Mark O. Vogel**

Serial No.: **09/318,460**

Filed: **May 25, 1999**

For: **METHOD FOR DYNAMIC  
PERFORMANCE  
OPTIMIZATION IN A  
DATA-OVER-CABLE SYSTEM**

Examiner: To be Assigned

Art Unit: 2731

**SEVENTH SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97-1.98, and in accordance with the duty of candor set forth in 37 C.F.R. §1.56, applicant wishes to make the following references of record in the above-identified application. Copies of the references cited below are enclosed along with a copy of completed Form PTO-1449.

**CITED REFERENCES**

**I. U. S. Patent Documents**

	<b>Document</b>	<b>Date</b>	<b>Name</b>
1.	5,819,028	10/6/1998	Manghirmalani et al.
2.	5,835,720	11/10/1998	Nelson et al.
3.	5,913,037	6/15/1999	Spofford et al.
4.	5,922,051	7/13/1999	Sidey
5.	5,954,797	9/21/1999	Sidey
6.	6,003,077	12/14/1999	Bawden et al.
7.	6,052,724	4/18/2000	Willie et al.

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**JAN 22 2001**  
*Technology Center 2600*

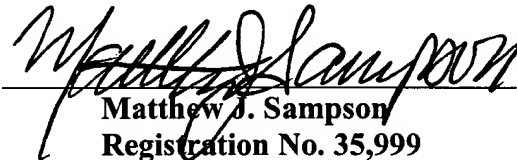
## **II. Discussion**

Applicant submits that these documents, whether taken alone or in combination, fail to show or suggest the claimed subject matter. Applicant requests that the Examiner consider the entirety of each document and make them of record in this application. Applicant's submission of these documents for consideration is not to be construed as an admission that the documents qualify as prior art to the claimed subject matter, a representation that a search has been made, nor as an admission that the information is considered to be material to patentability.

Respectfully submitted,

**McDonnell, Boehnen, Hulbert & Berghoff**

Date: **January 9, 2001**

by:   
Matthew J. Sampson  
Registration No. 35,999



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PATENT

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Washington, D.C. 20231

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TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above identified new patent application:
  - a) Seventh Supplemental Information Disclosure Statement Letter;
  - b) Seventh Supplemental Form PTO-1449;
  - c) Return Postcard; and
  - d) Copies of IDS citations for 09/318,460 (7 cited references).
2. With respect to fees:
  - a) No fee is required.
  - b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490.
2. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Asst. Commissioner for Patents, Washington, D.C. 20231 on this 9<sup>th</sup> day of January 2001.

By:

Matthew J. Sampson  
Reg. No. 35,999